

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARY FARRELL, et al.,

Plaintiffs,

v.

ETHICON, INC., et al.,

Defendants.

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Case No. 2:20-cv-02185

CHIEF JUDGE ALGENON L. MARBLEY

Magistrate Judge Vascura

ORDER

Plaintiffs Mary and Paul Farrell are amongst a group of litigants in this MDL action who have brought suits against Defendants Ethicon, Inc. and Johnson & Johnson for injuries stemming from Defendants' medical devices. The Master Complaint in this case raises eighteen claims:

Count One: Negligence;

Count Two: Strict Liability – Manufacturing Defect;

Count Three: Strict Liability – Failure to Warn;

Count Four: Strict Liability – Defective Product;

Count Five: Strict Liability – Design Defect;

Count Six: Common Law Fraud;

Count Seven: Fraudulent Concealment;

Count Eight: Constructive Fraud;

Count Nine: Negligent Misrepresentation;

Count Ten: Negligent Infliction of Emotional Distress;

Count Eleven: Breach of Express Warranty;

Count Twelve: Breach of Implied Warranty;

Count Thirteen: Violation of Consumer Protection Laws;

Count Fourteen: Gross Negligence;

Count Fifteen: Unjust Enrichment;

Count Sixteen: Loss of Consortium;

Count Seventeen: Punitive Damages; and

Count Eighteen: Discovery Rule and Tolling.

This matter is before the Court on Defendants' Motion for Partial Summary Judgment. Doc. 18. Defendants seek the dismissal of Counts One, Two, Three, Four, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen. In response, Plaintiffs filed a two-page brief attesting that they will not be pursuing the Counts listed in Defendants' Motion for Partial Summary Judgment, and thus, consent to their dismissal. Doc. 20. Accordingly, the Court **GRANTS** Defendants' Motion for Partial Summary Judgment [#18]. Counts One, Two, Three, Four, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen are hereby **DISMISSED**. This case will proceed on the remaining Counts in the Complaint.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: June 17, 2020